

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Aug 20, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

WAI CONSTRUCTION GROUP, LLC.,

Plaintiff,

v.

WAVE QUANTUM, INC., HARVEY  
PRICKETT,

Defendants.

No. 4:23-CV-05091-MKD

ORDER DENYING PLAINTIFF'S  
THIRD MOTION FOR DEFAULT  
JUDGMENT

**ECF No. 29**

Before the Court is Plaintiff's Third Motion for Default Judgment. ECF No. 29. For the following reasons, the Court denies the motion.

Plaintiff filed a Second Amended Complaint on July 18, 2024. ECF No. 21. Plaintiff filed a Proof of Service on July 29, 2024, indicating both Defendants were served on July 24, 2024. ECF No. 28. Plaintiff filed the instant motion on August 16, 2024. ECF No. 29.

Plaintiff moved for default judgment pursuant to Fed. R. Civ. P. 55(b)(2). ECF No. 29 at 1. However, Plaintiff was required to first move for the entry of default. *See* LCivR 55. Local Civil Rule 55 provides: "Obtaining a default

1 judgment is a two-step process: (1) a party must first file a motion for entry of  
2 default and obtain a Clerk's Order of Default, and (2) a party must then file a motion  
3 for default judgment." Because the Clerk has not entered an Order of Default on  
4 Plaintiff's Second Amended Complaint, Plaintiff's motion for default judgment is  
5 premature.

6 Before the Court may consider a motion for default judgment, Plaintiff must  
7 follow the two-step process mandated by this Court's Local Civil Rules. Plaintiff is  
8 directed to review the requirements of LCivR 55(a) – (b).

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. Plaintiff's Third Motion for Default Judgment, **ECF No. 29**, is  
11 **DENIED.**

12 **IT IS SO ORDERED.** The District Court Executive is directed to file this  
13 order and provide copies to counsel.

14 DATED August 20, 2024.

15 s/Mary K. Dimke  
16 MARY K. DIMKE  
17 UNITED STATES DISTRICT JUDGE  
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